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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,549	08/27/2003	Maris Vistins	19394	5515
23556	7590	04/27/2006		
KIMBERLY-CLARK WORLDWIDE, INC. 401 NORTH LAKE STREET NEENAH, WI 54956				
EXAMINER BRUENJES, CHRISTOPHER P				
ART UNIT			PAPER NUMBER	

1772

DATE MAILED: 04/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/649,549

Applicant(s)

VISTINS ET AL.

Examiner

Christopher P. Bruenjes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-37 is/are pending in the application.
- 4a) Of the above claim(s) 18-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20060228.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, Claims 1-17 in the reply filed on March 21, 2006 is acknowledged.
2. Claims 18-21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on March 21, 2006.

WITHDRAWN REJECTIONS

3. The double patenting rejections of claims 1-3 and 5-17 over claims 1-18 of USPN 6,895,600 in view of Lee of record in the Office Action mailed November 2, 2005, Pages 4-7 Paragraph 5, have been withdrawn due to Applicant's amendments in the Paper filed March 21, 2006.
4. The 35 U.S.C. 102 rejections of claims 1-12 and 14-17 as anticipated by Williams with further explanation by Lee of record in the Office Action mailed November 2, 2005, Pages 7-9

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Paragraph 6, have been withdrawn due to Applicant's amendments in the Paper filed March 21, 2006.

5. The 35 U.S.C. 103 rejection of claim 13 over Williams in view of Lee of record in the Office Action mailed November 2, 2005, Pages 9-10 Paragraph 7, has been withdrawn due to Applicant's amendments in the Paper filed March 21, 2006.

6. The 35 U.S.C. 103 rejections of claims 1-5 over Nishi in view of Lee of record in the Office Action mailed November 2, 2005, Pages 11-12 Paragraph 8, have been withdrawn due to Applicant's amendments in the Paper filed March 21, 2006.

7. The 35 U.S.C. 103 rejections of claims 6-17 over Nishi in view of Lee and further in view of Horwege of record in the Office Action mailed November 2, 2005, Pages 12-14 Paragraph 9, have been withdrawn due to Applicant's amendments in the Paper filed March 21, 2006.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claims 22-25 and 27-34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 22, the claimed glass transition temperature range of from about -30°C to about 24°C is new matter. There is no support in the specification to carve out the specific range of glass transition temperatures that goes up to and only up to 24°C. Support is only provided for the upper end point of the range at 20°C or 30°C, with no criticality given to the upper end point of 24°C, which is specifically chosen only to get around the Lee reference, which cites 25°C as its lower end point.

Claims 23-25 are rejected for incorporating the new matter limitation in claim 22.

Regarding claim 32, the claimed resistance to chemical permeation of 70% isopropyl alcohol for at least 60 minutes is

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new matter. The specification teaches that the barrier layer taught in the specification has resistance to chemical permeation of 70% isopropyl alcohol for a minimum of 80 minutes. There is no support in the specification to broaden the time requirement to include times between 60 and 80 minutes.

Claims 33-34 are rejected for incorporating the new matter limitation in claim 32.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. Claims 22-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vistins (US 2003/0124354 A1) in view of Mestach et al (USPN 6,730,740) and Irfan (p.147 of Chemistry and Technology of Thermosetting Polymers in Construction Applications).

Regarding claims 22, 26, 32, and 34, Vistins teaches a glove (p.1, paragraph 1) comprising a substrate body formed from a polyvinyl chloride material (p.2, paragraph 9), and a barrier layer that is visually distinct from the substrate body (p.4, paragraphs 43 and 45). The barrier layer overlies at least a portion of the substrate body and is between the substrate body and a skin contacting donning layer (p.5, paragraph 49). The barrier layer consists essentially of an acrylic polymer or copolymer that imparts a chemical permeation resistance (p.4, paragraph 45).

Vistins fails to teach the glass transition temperature of the acrylic polymer used to form the barrier layer having chemical permeation resistance. However, Irfan teaches acrylic polymers have glass transition temperatures between -55°C and 105°C, and that the glass transition temperature affects many of the properties of acrylic systems (p.147). Specifically, an

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increase in this temperature will increase some properties and decrease others as shown in Table 5.2. Furthermore, Mestach et al teach that one of the properties affected by the glass transition temperature of the acrylic system is chemical resistance (col.1, 1.22-31). Specifically, Mestach et al teach that when the glass transition temperature is raised and therefore the hardness is increased, then the film possesses low chemical resistance. Therefore, it would have been obvious to one having ordinary skill in the art at the time Applicant's invention was made that the glass transition temperature of acrylic polymers is optimized in order to arrive at the desired properties of the acrylic, as taught by Irfan, and that when the glass transition temperature is too high, the acrylic polymer possesses low chemical resistance, as taught by Mestach et al.

Thus, it would have been obvious to one having ordinary skill in the art at the time Applicant's invention was made to select, through routine experimentation, the acrylic polymer used in Vistins having a glass transition temperature between -20°C and 15°C, since Vistins requires an acrylic polymer having high chemical permeation resistance in the barrier layer, and Irfan and Mestach et al teach that the glass transition temperature of acrylic polymers affects many properties including the chemical resistance.

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Regarding claims 24-25, 32, and 35-37, the glove of Vistins, Irfan, and Mestach et al taken as a whole obviously has a resistance to 70% isopropyl alcohol for at least 100 minutes using ASTM F739-99a, since the chemical resistance of the glove is a latent property of the acrylic polymer forming the barrier layer. Because the barrier layer of Vistins, Irfan, and Mestach et al is a chemical resistant layer and is formed from the same composition as the claimed invention, the barrier layer must have the same resistance properties, because the same polymer must possess the same properties.

Regarding claims 23 and 33, Vistins teaches that the barrier layer includes a colorant that indicates the presence of multiple layers (p.4, paragraph 43).

Regarding claims 27-28, Vistins teaches that the barrier layer is present in an amount of from 0.1 to 1 grams per glove and the weight of the glove is between about 4 and 12 grams (p.4, paragraph 45). Therefore, Vistins teaches that the barrier layer is present in an amount of the glove that overlaps the claimed amount.

Regarding claim 29, the donning layer is a skin contacting layer that comprises polyurethane (p.5, paragraph 49).

Regarding claims 30-31, the donning layer is present on the glove in a thickness of 0.001 mm to 0.05 mm, which the entire

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glove has a thickness between about 0.1 mm and 0.2 mm (p.5, paragraph 49). Therefore, Vistins teaches that the donning layer is present in an amount of the glove that overlaps the claimed amount.

ANSWERS TO APPLICANT'S ARGUMENTS

13. Applicant's arguments regarding the double patenting rejections and the 35 U.S.C. 102 and 103 rejections of record in the previous Office Action have been considered but they are moot since the rejections have been withdrawn.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Richardson et al (USPN 5,524,294).

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS

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of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P. Bruenjes whose telephone number is 571-272-1489. The examiner can normally be reached on Monday thru Friday from 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher P Bruenjes

Examiner

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CPB
CPB
April 24, 2006


HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

4/26/06